

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHERYL COMPTON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:11-CV-01975 CEJ
)	
ST. LOUIS METROPOLITAN POLICE)	
DEPARTMENT, et al.,)	
)	
Defendants.)	

**DEFENDANT CITY OF ST. LOUIS’
MOTION TO COMPEL RESPONSES TO INTERROGATORIES**

COMES NOW Defendant City of St. Louis, Missouri (“City”), by and through undersigned counsel, and pursuant to Rule 37(3)(B)(iii) of the Federal Rules of Civil Procedure¹ and E.D.Mo. L.R. 37-3.04, moves the Court to Order Plaintiffs to respond to the interrogatories propounded by the City on June 29, 2012. In support of this Motion the City states the following:

1. Pursuant to Rule 33, the City propounded interrogatories to Plaintiffs on June 29, 2012. Copies of same were sent to all attorneys of record in this matter.
2. Pursuant to Rule 33(2), responses to said interrogatories were due within 30 days of service.
3. As of the date of this filing, the City has not received responses or objections to said interrogatories.
4. On August 6, 2012, at approximately 9:00 a.m., undersigned counsel was present in Division 11 of the 22nd Judicial Circuit and saw that attorney Joseph Welch was also present. Undersigned counsel approached Mr. Welch to inquire as to the status

¹ Unless otherwise noted all cited rules are to the Federal Rules of Civil Procedure.

of the interrogatory responses. Mr. Welch would not say when, or even *if*, the City could expect responses and—in a rather dismissive tone—stated he, as well as the rest of Plaintiffs’ attorneys, would be available for a conference call on Thursday, August 9, 2012.

5. On August 6, 2012, at 3:11 p.m., undersigned counsel sent an e-mail to all attorneys of record attempting to set up the August 9 conference call in a good faith attempt to resolve an outstanding discovery issue. As of this filing, none of Plaintiff’s attorneys responded to that e-mail. A copy of said e-mail is attached hereto as Exhibit A.

6. On August 9, 2012, undersigned counsel deposed attorney Timothy Hogan in an unrelated personal injury action he has filed against the City. Prior to the start of the deposition, undersigned counsel again inquired about the status of the interrogatory responses. Mr. Hogan indicated he was not working with the other Plaintiffs’ attorneys, but thought he would have responses from plaintiff’s McFarland and Veltre in due course.

7. On August 14, 2012, at approximately 10:00 a.m., undersigned counsel attempted to call attorneys Cynthia West and Margaret Ellinger-Locke at the phone numbers on file with the Court. Undersigned counsel neither was able to speak with either attorney nor was he afforded an opportunity to leave a voicemail, as Ms. West has an automated answering system and Ms. Ellinger-Locke’s phone number rang without ever going to a voicemail.

8. On August 14, 2012, at approximately 10:00 a.m., undersigned counsel left a voicemail for Mr. Hogan. As of this filing, that voicemail was not returned.

9. Pursuant to the Case Management Order in this case entered January 13, 2012, the parties shall complete all discovery in this case no later than August 15, 2012.

10. The City has been, and will be, unduly prejudiced by Plaintiffs' refusal to respond to said interrogatories.

WHEREFORE, the City prays an Order from the Court compelling Plaintiffs' to respond, without objection except as to privilege, to the interrogatories propounded June 29, 2012 within seven (7) days of such Order, and for such other and further relief as the Court deems fair and equitable under the premises.

Respectfully submitted,
PATRICIA A. HAGEMAN
CITY COUNSELOR

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Certificate of Service

I hereby certify that on August 14, 2012, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

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